



[HF 52](#) – Interference with Official Acts of Court Bailiffs (LSB1721HH)
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Fiscal Note Version – As amended by [H-1109](#) (strike everything after the enacting clause)

Description

[Amendment H-1109](#) strikes everything after the enacting clause of [HF 52](#). The amendment expands the protected parties under the offense of interference with official acts to include county bailiffs provided to the court pursuant to Iowa Code section [602.1303\(4\)](#). This amendment provides that anyone who knowingly resists or obstructs a person performing bailiff duties commits the offense of interference with official acts under Iowa Code section [719.1\(1\)](#).

Background

Pursuant to Iowa Code section [602.1303](#), a county must provide the District Court with bailiff and other law enforcement services upon the request of a judicial officer of the District Court. The bailiffs are non-sworn officers and considered county employees.

A limited number of judicial districts employ these types of bailiffs, including the 1st Judicial District (Clayton County only), 2nd Judicial District, and 7th Judicial District. Within those districts, there are a limited number of bailiffs provided. For example, the 7th Judicial District has a total of 16 full-time and five part-time county bailiffs.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15 per day.

Impacts

Minority Impact

This Bill expands the definition of interference with official acts and there is no historical data to determine a minority impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2017, for information related to minorities in the criminal justice system.

Correctional Impact

The correctional impact is expected to be minimal due to the limited number of bailiffs who would be protected under the expanded crime.

Under current law, the penalty for interference with official acts ranges from a simple misdemeanor to a Class D felony depending on the elements and severity of the crime. **Table 1** contains estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for offenders convicted of a simple misdemeanor, serious misdemeanor, aggravated misdemeanor, or Class D felony.

Table 1

Offense Class	Percent to Prison	Avg LOS Prison (months)	FY 16 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 16 Avg Cost/Day Parole & Probation	Percent to CBC	FY 16 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail (days)
D Felony Persons	79.0%	16.6	\$18.51	10.5	52.0%	31.9	\$4.59	7.0%	\$10.28	33.0%	N/A	\$15.00
Agg Misd Persons	47.0%	8.7	\$18.51	6.5	71.0%	20.1	\$4.59	4.0%	\$10.28	56.0%	37	\$15.00
Serious Misd	2.0%	5.9	\$18.51	N/A	60.0%	16.1	\$4.59	1.0%	\$10.28	72.0%	28	\$15.00
Simple Misd	2.0%	5.9	\$18.51	N/A	60.0%	16.1	\$4.59	1.0%	\$10.28	72.0%	28	\$15.00

Refer to the LSA memo addressed to the General Assembly, [Correctional Impact Memo](#), dated January 30, 2017, for information related to the correctional system.

Fiscal Impact

The fiscal impact is estimated to be minimal due to the limited number of bailiffs who would be protected under the expanded crime. **Table 2** contains estimates for the average State cost per offense class type.

Table 2

Offense Class	Total Minimum Cost	Total Maximum Cost
Class D Felony	\$6,300	\$12,300
Aggravated Misdemeanor	\$3,100	\$7,000
Serious Misdemeanor	\$250	\$4,200
Simple Misdemeanor	\$30	\$330

Sources

Judicial Branch

Department of Human Rights, Division of Criminal and Juvenile Justice Planning

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
